

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
June 11, 2003

ITEM: 13

SUBJECT: NPDES PERMIT: TENTATIVE ORDER NO. R9-2003-0215, NPDES NO. CAG999001, GENERAL WASTE DISCHARGE REQUIREMENTS FOR WASTE DISCHARGES ASSOCIATED WITH MARINA OPERATIONS TO COASTAL WATERS IN THE SAN DIEGO BASIN (*Pete Michael*)

PURPOSE: To provide a standard approach for regulation of discharges from recreational boat marinas in the San Diego Region.

PUBLIC NOTICE: This item was noticed in the Orange County Register and the San Diego Union-Tribune on May 9, 2003 in accordance with Government Code Section 11125.

DISCUSSION: This permit would address major unregulated discharges of pollutants or threatened discharges of pollutants from marina operations to five small craft harbors in the San Diego Region: Dana Point Harbor, Del Mar Boat Basin at Camp Pendleton, Oceanside Harbor, Mission Bay, and San Diego Bay. More than 40 operators of marinas in the Region would be required to enroll under the general permit. The wastes regulated by this permit include solid waste, liquid waste, wastes associated with topside and underwater boat cleaning and maintenance, petroleum, and sewage. The permit addresses many of the threats to water quality in the Region from marinas and were suggested under a program of the Coastal Zone Act Reauthorization Amendments of 1990. Congress directed the states to adopt plans to address various water quality problems. The Marinas and Recreational Boating Advisory Committee recommended management measures in a 1994 report which are addressed in this permit.

This permit also considers (1) recommendations and approaches of the *Comprehensive Management Plan* of the San Diego Interagency Water Quality Panel, (2) the

dissolved copper total maximum daily load (TMDL) currently being considered by the Regional Board, (3) the University of California Sea Grant marina pollution prevention program, and (4) the California Coastal Commission's clean marina program. The permit also implements several projects of the State's non-point source plan.

The tentative order will require recreational boat marina operators with ten or more slips to adopt marina pollution prevention plans to reduce the discharge of various pollutants to bay and harbor waters. The plans would formalize best management practices for marinas to preserve water quality through education of boaters, employees, and contractors working at the marinas. Boat owners at marinas failing to comply with the plans would be notified by marina operators and asked to comply. Marina managers would make daily visual observations of harbor waters and report the results quarterly and annually to the Regional Board. Numeric effluent limitations are not established in this tentative permit.

A marina permit workshop was held on April 18, 2003 and was well attended by marina managers, harbor representatives, in-water hull cleaners, yacht club representatives, and the public. Major issues raised included cost, filing fees, liability, inability to control the actions of boat owners, and water quality monitoring. Adjustments to the proposed permit based on workshop comments include deleting the requirement for marinas only to authorize trained and certified divers to clean hulls.

The marina general permit may later be amended to address marinas located in the Shelter Island Yacht Basin in San Diego Bay to address the copper total maximum daily load issue under Clean Water Act Section 303(d) to achieve harbor water quality objectives. Currently the Shelter Island Yacht Basin is on the 303(d) list of impaired water bodies for dissolved copper. Six or more marinas are located in the yacht basin. The Regional Board is therefore engaged in a total maximum daily load effort to identify sources of dissolved copper, to derive allocations for various sources to achieve the California Toxics Rule standard of 3.1 parts per billion dissolved copper, and to amend the Basin Plan to reflect this objective. An expected outcome of the marina permit would be stabilization of

copper levels or reduction of copper levels due to increased use of diver best management practices in cleaning hulls. Reduction in copper releases should occur as more boat owners request their divers to use practices which avoid unnecessary removal of copper paint on hulls.

Written correspondence is presented as supporting documents to this item. Organizations representing marinas and boaters include the Marina & Yacht Club NPDES Permit Response Team and the Recreational Boaters of California (Supporting Documents 4 and 5). Both organizations have requested the marina permit receive additional time for public comment. A May 27, 2003 e-mail from the Executive Officer states that the item will be brought before the Board on June 11, 2003 (Supporting Document 8). The Regional Board could then provide guidance on how to proceed.

LEGAL CONCERNS:

None

RECOMMENDATIONS:

Adopt Order No. R9-2003-0215, NPDES NO. CAG999001.

SUPPORTING
DOCUMENTS:

1. Map of San Diego Region harbors
2. Tentative Order No. R9-2003-0215, NPDES No. CAG999001.
3. Fact sheet
4. May 16, 2003 letter from Sandy Purdon to John Robertus
5. May 19, 2003 letter from Russ Robinson to John Robertus
6. May 21, 2003 San Diego Log article, *Regional Water Quality Control Board Wants Marinas, Yacht Clubs to Have Pollution Permits*
7. May 27, 2003 e-mail from Richard Cloward to John Robertus
8. May 27, 2003 e-mail from John Robertus to Richard Cloward
9. May 28, 2003 e-mail from Sandy Purdon to John Robertus